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CAMERON INTERNATIONAL CORPORATION
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In re Application of :
PARKINSON, David :
Application No.: 10/589,940 :
PCT No.: PCT/GB2005/000718 :
Int. Filing Date: 25 February 2005 : DECISION ON
Priority Date: 27 February 2004 :
Attorney Docket No.: KCC-030815 : PETITION UNDER
For: CYCLONE ASSEMBLY AND METHOD :
FOR INCREASIN OR DECREASING : 37 CFR 1.47(b)
FLOW CAPACITY OF A CYCLONE :
SPEARATOR IN USE :

This is a decision on applicant's Petition Under 37 CFR 1.47(b), filed in the United States Patent and Trademark Office (USPTO) on 27 June 2007.

BACKGROUND

On 25 February 2005, applicant filed international application PCT/GB2005/000718, claiming a priority date of 27 February 2004. A copy of the international application was transmitted to the Office on 09 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 August 2006.

On 18 August 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by the basic national fee.

On 13 April 2007, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 27 June 2007, applicant submitted a petition under 37 CFR 1.47(b) accompanied by the fee for a one month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (3), (4), (5) and (6) have been satisfied. The petition fee has been paid. Applicant states the last known mailing address of Mr. David Parkinson as Arodene, Walton Down; Walton-in-Gordano; Clevedon, North Somerset BS21 7AR; United Kingdom. The declaration complies with 37CFR 1.497(a)-(b) and 37 CFR 1.47. The legal memorandum and supporting documentation are sufficient to establish applicant's proprietary interest in the application. Applicant has established that this petition is necessary to preserve the rights of the parties or to prevent irreparable harm.

Items (2) has not been satisfied. Applicant does not indicate that Mr. Parkinson was provided with a complete copy of the application papers, including the oath or declaration and that he failed to return a signed oath or declaration.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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